



To: Robert Lowell  
Acting Chief Engineer  
DCR Design & Engineering  
251 Causeway St. Boston, MA 02114

Date: August 30, 2022

## Memorandum

Project #: 15722.00

From: VHB

Re: Permit Year 4 Regulated Facility Changes

During development of the MS4 permit-required Phosphorus Control Plans (PCP) and Nutrient Source Identification Reports (NSIR), VHB, as DCR's consultant, performed a detailed desktop review of factors that impact MS4-regulated status. As stated in DCR's *Methods for Phosphorus Control Plan & Nutrient Source Identification Report Development* document, DCR has developed the following definition of a not regulated facility, based on the language in the MS4 permit:

A facility or portion of facility was deemed not regulated if it met any of the following criteria:

- Not within an urbanized area
- No impervious cover associated with channelized flow
- Does not discharge stormwater from a point source (i.e., no channelized flow to a waterbody) via a MS4 system
- Discharges to combined sewers covered by a separate NPDES permit

Since a DCR facility may include many distinct parcels, for this task a DCR facility is defined as a contiguous DCR property that shares a common name and/or operational purpose. Under the evaluation, an entire facility or a portion of a facility was deemed regulated or not regulated. DCR found that select facilities that they had considered regulated by the MS4 permit did not, after more detailed review, meet the regulated definition and vice versa. The following sections describe facilities where regulated status changed and why. DCR facilities and their regulated status can be viewed here:

<https://vhb.maps.arcgis.com/apps/webappviewer/index.html?id=1fffa8d7b9e144e793dcffb0445846e2>

### **Unregulated to Regulated**

The following three (3) facilities had previously been listed as unregulated by DCR but have been determined to meet the regulated definition. These facilities do not have drainage infrastructure or multiple buildings, suggesting it was unlikely that stormwater discharged from these properties, and therefore were listed as unregulated. However, upon closer review, DCR found it was likely that stormwater channelized and discharged from these properties and therefore met the regulated definition.

- Southern New England Trunkline Trail
- Gardner Heritage State Park
- Ashuwticook Rail Trail

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### **Regulated to Unregulated**

Several facilities that had previously been listed as regulated by DCR have been determined, after more detailed review, to not meet the regulated definition.

Eight (8) facilities are now considered unregulated because detailed desktop review of either the buildings onsite and/or the drainage patterns/infrastructure indicated that stormwater discharges were unlikely from the urbanized piece of the facility.

- Lowell Park
- Riverdale Park
- Callahan State Park
- Sweets Knoll State Park
- Watson Pond State Park
- Willard Brook State Forest
- Lowell-Dracut-Tyngsborough State Forest
- Dugger Park

Two (2) facilities are now considered unregulated because, during detailed review, the facility boundaries were revised based on new information on ownership, and detailed review of the revised facility boundary areas determined the areas are unlikely to discharge stormwater.

- Medford Boat Club
- Mother Brook Reservation

One (1) facility is now considered unregulated and no longer on the DCR facility map since detailed review found this facility was not owned by DCR and is instead owned by a town.

- Newton Street